

## Message Text

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63

ACTION EA-06

INFO OCT-01 SS-14 ISO-00 NSC-05 PM-03 SP-02 L-01 OMB-01

EUR-08 CIAE-00 ACDA-10 H-01 /052 W

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P R 290929Z JUL 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC PRIORITY 8134

INFO SECDEF WASHDC

WHITE HOUSE

JCS WASHDC

CINCPAC

CINCPACAF

CINCPACFLT

CINCPACREPHIL

S E C R E T SECTION 1 OF 2 MANILA 11209

LIMDIS

E.O. 11652: GDS

TAGS: MARR,RP

SUBJECT: U.S. OBLIGATIONS UNDER MUTUAL DEFENSE TREATY

1. DURING MUTUAL DEFENSE BOARD MEETING JULY 29, WHICH WAS HELD IN EXECUTIVE SESSION AT PHILIPPINE REQUEST, GENERAL ESPINO TABLED DOCUMENT WHICH IS DESIGNED SEEK PRECISE DEFINITION OF U.S. OBLIGATIONS UNDER MUTUAL DEFENSE TREATY. ALTHOUGH DOCUMENT IS BEING TRANSMITTED BY U.S. MEMBER THROUGH HIS CHANNELS TO CINCPAC AND BEYOND, I AM REPEATING FULL TEXT IN THIS MESSAGE BECUASE I HAVE SEVERAL COMMENTS ON SUBJECT RAISED.

2. IN FIRST PLACE, DOCUMENT REPRESENTS BLUNT (AND SOMEWHAT QUERULOUS) EFFORT TO ACCUSE U.S. OF LESS THAN SATISFACTORY FULFILLMENT OF ITS OBLIGATIONS UNDER MUTUAL DEFENSE TREATY AND THEREFORE JUSTIFY PHILIPPINE RELUCTANCE TO SUBSCRIBE TO THAT TREATY IN CURRENT MILITARY BASES NEGOTIATIONS. AS FAR AS THE IMPLIED THREAT TO ABROGATE

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THE TREATY, THAT FALLS IN THE CATEGORY OF EMPTY BLUSTER

AND GOP WOULD BE PETRIFIED IF WE CALMY TOOK THEM UP ON THEIR THREATENED MOVE TO TERMINATE THE TREATY.

3. THE DESCRIPTION OF THE WILSON STATEMENT IN THE SYMINGTON HEARINGS IS GROSSLY INACCURATE AND FALLS INTO THE CATEGORY OF PHILIPPINE FOLKLORE, IN WHICH THE CONSTANT REPETITION OF THE MISSTATEMENT OF FACT IS CONSTRUED TO PRODUCE THE ALCHEMY OF CONVERTING IT INTO FACT. THE RATIONAL WASHINGTON MIND WILL ASSUME THAT THIS ERROR CAN BE CORRECTED BY PROVIDING THE PHILS WITH THE ACTUAL TEXT OF THE WILSON STATEMENT, WHICH WE WILL GLADLY DO. HOWEVER, THE FACTS ARE NOT LIKELY TO DIVIDE THEM FROM THEIR FANTASIES.

4. THE STATEMENTS ATTRIBUTED TO ME ARE PROBABLY ACCURATE. (WE WILL PROVIDE A TRUE TRANSCRIPT FROM OUR TAPE RECORDING OF JULY 3 SESSION). HOWEVER, THE "IMPLICATION" CITED IN PARAGRAPH 4 (D) IS TOTALLY WITHOUT FOUNDATION AND REPRESENTS FURTHER PHIL PARANOIA.

5. ALL THESE FACTORS ASIDE, IT IS NEVERTHELESS INTERESTING, AND TO SOME DEGREE REFRESHING, THAT THE PHILS ARE FINALLY TREATING THE MUTUAL DEFENSE BOARD AS A SERIOUS INSTRUMENT FOR POLICY DISCUSSION, EVEN THOUGH THAT DISCUSSION COMES IN THE FORM OF PETULANT POSTURING. PROBLEM POSED BY THIS MOVE IS TO DECIDE HOW WE ANSWER IT.

6. WE CAN, IN MY JUDGMENT, REACT IN ONE OF THREE WAYS:

(A) TRADITIONAL U.S. WAY (WHICH PHILS DOUBTLESS EXPECT OF US) IS TO CORRECT THEIR MISSTATEMENTS OF FACT, CITE THE TREATY LANGUAGE, REAFFIRM OUR BELIEF THAT REED BANK IS DISPUTED TERRITORY, AND SAY THAT WE WILL DECIDE OUR REACTION TO AN ATTACK ON A CASE BY CASE BASIS.

(B) CALL THEIR BLUFF BY SAYING THAT WE WOULD CONSIDER PHILIPPINE MILITARY ACTION IN THE REED AND SPRATLY AREAS TO BE PROVOCATIVE AND ADVISE THEM THEY WILL BE ON THEIR OWN IN ANY MILITARY ADVENTURE THERE. WE COULD GO ON TO SAY THAT, IF THEY REGARD THE MUTUAL DEFENSE TREATY AS "OF NO VALUE" ON THIS ACCOUNT, THEY ARE FREE TO GIVE ONE YEAR'S NOTICE AS TO ITS TERMINATION.

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(C) TREAT THEM MATURELY BY ANSWERING EACH ONE OF THEIR QUESTIONS CATEGORICALLY. IN SO DOING, WE CAN, OF COURSE, REFUTE THE "OFFICIAL POSITION" ADDUCED IN THE LAST PARAGRAPH (PARA 4 F) OF THE DOCUMENT. BUT WE WILL HAVE TO FACE UP MORE HONESTLY THAN WE HAVE IN THE PAST TO THE IMPLICATIONS OF AN UNPROVOKED ATTACK AGAINST AN RP VESSEL ON THE HIGH SEAS IN THE REED BANK AREA.

7. MY OWN PREFERENCE IS TO PUT AN END TO THE AMBIGUITY THAT PREVAILS IN US-RP MUTUAL DEFENSE RELATIONS AND GO THE ROUTE OF PARA 6 (C). THIS MIGHT CAUSE A LITTLE STRAIN ON OUR RELATIONS, BUT IT WOULD AT LEAST RELIEVE US OF FUTURE ACCUSATIONS OF BAD FAITH. MOREOVER, IT MIGHT HAVE THE DESIRABLE RESULT OF CAUSING GOP TO REMOVE ITS FORCES FROM SPRATLY ATOLLS AND PURSUE ITS CLAIMS BY DIPLOMATIC MEANS. IF ALL THOSE ACTIONS EVENTUATED, I FEEL WE COULD, IN GOOD CONSCIENCE, TELL THEM THAT WE WOULD "ACT TO MEET THE COMMON DANGER" IF ONE OF THEIR VESSELS IS THE VICTIM OF AN UNPROVOKED ATTACK IN THE TREATY AREA.

8. FULL TEXT OF MDB DOCUMENT FOLLOWS:

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ACTION EA-06

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INR-05 CIAE-00 ACDA-10 H-01 /049 W

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P R 290929Z JUL 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC PRIORITY 8135

INFO SECDEF WASHDC

WHITE HOUSE

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CINCPAC

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SECRET SECTION 2 OF 2 MANILA 11209

LIMDIS

QUOTE

ISSUES PRESENTED BY CSAFP IN EXECUTIVE SESSION

MDB 76-7 MEETING, 29 JULY 1976

SUBIC NAVAL BASE

1. THE PHILIPPINES HAS ASSERTED ITS SOVEREIGNTY OVER THE REED BANK AREA, IT CONSTITUTING PART OF OUR CONTINENTAL SHELF, AND THEREFORE PHILIPPINE TERRITORY. THE REED BANK THEREFORE IS DEEMED BY THE PHILIPPINES WITHIN THE TREATY AREA AND ITS DEFENSE COVERED BY THE RP-US MUTUAL DEFENSE TREATY.

2. IN ANSWER TO A QUESTION, AMBASSADOR SULLIVAN STATED DURING THE RP-US BASES NEGOTIATIONS AT THE CENTRAL BANK IN MANILA ON JULY 3, 1976 THAT THE UNITED STATES VIEWS THE REED BANK AREA AS DISPUTED TERRITORY (UNDERSCORING SUPPLIED), AND THAT WHILE IT UNDERSTANDS AND "WOULD DO ABSOLUTELY NOTHING IN ANY WAY THAT WOULD DIMINISH YOUR CLAIM", HE CONTINUED THAT "OUR PREFERRED COURSE, AS WE HAVE STATED CONSTANTLY, IS THAT  
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THE CLAIM BE RESOLVED BY PEACEFUL DISCUSSION AMONG THE VARIOUS CLAIMANTS." HE ADDED THAT HIS GOVERNMENT DOES NOT SEE THE OCCUPATION OF THAT AREA (APPARENTLY INCLUDED IS THE KAYAYAAN) BY UNFRIENDLY FORCES AS POSING A DIRECT THREAT TO THE BASES SINCE THE LAND AREA IS INSUFFICIENT TO SUSTAIN A SIGNIFICANT MILITARY PRESENCE.

3. IN A SYMINGTON REPORT TO THE U.S. CONGRESS, A CONCLUSION WAS MADE THAT THE UNITED STATES WILL ONLY DEFEND THE PHILIPPINES IF THE US OCCUPIED MILITARY BASES IN THIS COUNTRY IS DIRECTLY THREATENED OR ENDANGERED.

4. IN VIEW OF THE ABOVE, THE FOLLOWING QUESTIONS ARE PRESENTED TO CLARIFY THE POSITIONS OF THE US APROPOS OF, POTENTIAL THREATS TO THE SECURITY OF THE PHILIPPINES:

A. THE PHILIPPINES GOES ON RECORD THAT ITS TERRITORIAL SOVEREIGNTY INCLUDE THE REED BANK AREA AND THAT THE LATTER AREA IS THEREFORE ENCOMPASSED WITHIN THE TERRITORIAL INTEGRITY SOUGHT TO BE MUTUALLY DEFENDED FROM EXTERNAL ARMED ATTACK WITHIN THE CONTEMPLATION OF ARTICLE III OF THE RP-US MUTUAL DEFENSE TREATY. WHAT WOULD NOW BE THE PRACTICAL APPLICATION OF THE COVENANT UNDER THIS ARTICLE IN THE LIGHT OF THE SULLIVAN STATEMENT?

B. HOW WOULD THE US REGARD AN ARMED ATTACK AGAINST AN RP VESSEL CONDUCTING A SECURITY PATROL OF THE REED BANK AREA, WHICH IS WITHIN THE TREATY AREA? WHAT WOULD BE THE US REACTION TO A LOCAL ARMED ATTACK FULLY SUPPORTED BY A FOREIGN COUNTRY AGAINST PHILIPPINE FORCES? UNDER WHAT SPECIFIC CONDITIONS WOULD THE US BE UNDER OBLIGATION TO RESPOND TO THE ABOVE SECURITY SITUATIONS WITHIN THE CONTEMPLATION OF ARTICLE IV AND VI OF THE MUTUAL DEFENSE TREATY? CONVERSELY, UNDER WHAT SPECIFIC CONDITIONS WOULD THE RP BE UNDER OBLIGATION TO RESPOND TO AN ARMED ATTACK AGAINST US FORCES WITHIN THE TREATY AREA?

C. CONSIDERING THE OBJECTIVE UNDER ARTICLE II OF THE TREATY OF DEVELOPING BOTH THE INDIVIDUAL AND COLLECTIVE CAPACITY OF THE TREATY PARTIES TO RESIST ARMED ATTACK, HOW WOULD THE U.S. REACT IN A SITUATION WHERE THE SUBSTANTIAL DEPLOYMENT OF RP FORCES IN OR FOR THE PROTECTION OF THE REED BANK AREA RESULTS IN AN EMASCULATION OF THE AFP'S CAPABILITY TO EFFECTIVELY  
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RESPOND TO CRISES IN EQUALLY CRITICAL PARTS OF MAINLAND PHILIPPINES?

D. STATED IN THE SYMINGTON REPORT AND IMPLIED IN THE SULLIVAN POLICY STATEMENT IS THAT U.S. FORCES WILL REACT TO A SECURITY SITUATION IN THE TREATY AREA ONLY WHEN THE DANGER DIRECTLY THREATENS THE U.S. OCCUPIED BASES. WHAT WOULD BE THE U.S. REACTION TO AN EXTERNAL ARMED ATTACK AGAINST RP TROOPS, VESSEL OR AIRCRAFT IN TERRITORIAL LAND OR WATER SUCH AS IN MINDANAO AND SULU WHICH ARE REMOTE FROM U.S. OCCUPIED BASES IN LUZON? HOW RECONCILABLE IS THIS TO THE PRECEPTS OF MUTUALITY UNDERLYING THE TREATY?

E. HOW EFFECTIVE IS THE MUTUAL DEFENSE BOARD AS A MECHANISM FOR THRESHING OUT THE FOREGOING AND OTHER PIVOTAL ISSUES OF MUTUAL DEFENSE INTEREST THAT NOW AND THEN ARISES AS IMPEDIMENTS TO CARRYING OUT THE LETTER AND SPIRIT OF THE MUTUAL DEFENSE TREATY?

F. I WOULD LIKE TO KNOW WHETHER IT IS THE OFFICIAL POSITION OF THE UNITED STATES GOVERNMENT THAT IT WILL NOT DEFEND THE PHILIPPINES AGAINST EXTERNAL ARMED ATTACK UNLESS THE ATTACK DIRECTLY AFFECTS THE BASES OCCUPIED BY US FORCES AS MENTIONED IN THE SYMINGTON REPORT AND IMPLIED BY THE SULLIVAN POLICY STATEMENT. IF THIS IS SO, I WILL HAVE TO REQUEST A MEETING OF THE PHILIPPINE NATIONAL SECURITY COUNCIL AND REPORT TO THE BODY THAT IN EFFECT THE RP-US MUTUAL DEFENSE TREATY IS OF NO VALUE TO THE PHILIPPINES.

#### BACKGROUND OF SYMINGTON REPORT

IN A HEARING OF A US SENATE COMMITTEE HEADED BY SENATOR SYMINGTON ABOUT 5 YEARS AGO, MR. JAMES WILSON, FORMER MINISTER AT THE US EMBASSY IN MANILA, WHEN ASKED WHETHER THE US IS OBLIGATED TO REPEL AN ATTACK ON THE PHILIPPINES AT MINDANAO REPLIED THAT THE US IS OBLIGATED TO REPEL OR RETALIATE ONLY WHEN THE U.S. BASES IN THE PHILIPPINES IS DIRECTLY ATTACKED.

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